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[*Cianfrani v. Public Service, Electric & Gas Co.*](#) 95-ERA-33 (ALJ Aug. 23, 1996)

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U.S. Department of Labor
Office of Administrative Law Judges
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Date: August 23, 1996

CASE NO. 95-ERA-33

In the matter of

WILLIAM CIANFRANI,

Complainant,

v.

PUBLIC SERVICE, ELECTRIC AND GAS CO.,

Respondent.

David R. Culp, Esq.

For Claimant

Robert M. Rader, Esq.

For the Respondent.

Before: FLETCHER E. CAMPBELL, JR. Administrative Law Judge

*RECOMMENDED DECISION AND ORDER APPROVING SETTLEMENT
AGREEMENT AND DISMISSING COMPLAINT*

The attached settlement agreement by the parties fairly, reasonably and adequately disposes of the allegations raised in the complaint.

[Editor's Note: The remainder of this paragraph, in which the ALJ discussed some of the terms of the settlement agreement, has been redacted in compliance with 20 C.F.R. 70.26(b)].

Prior to the settlement, I heard testimony that resulted in the transcription of about 1,500 pages of testimony. Thus, I obtained an excellent understanding of the facts of the case. As I explained to the parties (Tr. 142 1), although I reached no final conclusions, I did conclude that Mr. Cianfrani had made a *prima facie* case. Thus, I can assure the Secretary that the case was not frivolous.

I urged the parties to consider settlement of the case because I believed that it was quite possible that any decision that I might recommend could leave both sides dissatisfied. I believed that a settlement such as the present one could well render both parties at least somewhat satisfied. Indeed, based on my understanding of the case, I can assure the Secretary that this settlement is as good if not better for both parties than the law would have permitted me to recommend.

I believe that this settlement agreement contains all of the terms of settlement and specifically sets forth all sums to be paid.

In addition, I call attention to section 16 of the settlement agreement, which makes clear that Mr. Cianfrani remains free to report any instance of suspected illegal activity of any nature or any nuclear safety or workplace concern to any appropriate government agency. I believe that this adequately protects the public interest in this settlement.

For the above stated reasons, IT IS RECOMMENDED that the proposed settlement agreement be approved and that the complaint be dismissed with prejudice.

FLETCHER E. CAMPBELL
Administrative Law Judge

FEC/jbm

Newport News, Virginia